

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:06CR265**

| | | |
|----------------------------------|---|--------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Vs. |) | ORDER |
| |) | |
| ARMANDO DESPAIGNE. |) | |
| |) | |
| _____ |) | |

THIS MATTER is before the court in accordance with 28, United States Code, Section 636(b), for purposes of conducting a review and determination of whether a person previously determined to be incompetent to stand trial should continue to be hospitalized for purposes of restoring his competency.

On September 14, 2007, the district court determined that defendant should be committed to the custody of the Attorney General for hospitalization for a reasonable period of time, not to exceed three months, in order that he receive additional care that may result in defendant attaining the mental capacity to permit the trial to proceed. In accordance with such Order, defendant was further hospitalized in the care and custody of the Attorney General, and housed at the Federal Medical Center in Butner, North Carolina.

On February 26, 2008, the court received a report from the Warden of such medical facility, who advised that “we believe that with an additional period of

hospitalization and treatment, Mr. Despaigne's competency to stand trial may be restored." Warden A. F. Beeler, Letter of January 31, 2008. Such opinion is fully supported by a forensic evaluation, which appears to well founded on clinical observations by staff psychologists and a staff psychiatrist.

A hearing was held on March 5, 2008, at which defendant was present and represented by counsel. The report was received into evidence and the defendant presented no evidence or argument in opposition to his continued hospitalization. Finding that an additional period of hospitalization and treatment is warranted and that there is a good possibility that Mr. Despaigne's competency to stand trial may be restored, the court will Order that Mr. Despaigne continue to be hospitalized for purposes of restoring his competency to stand trial.

ORDER

IT IS, THEREFORE, ORDERED that defendant be further hospitalized for an additional 120 days for purposes of restoring his competency in accordance with 18 U.S.C. § 4141(d).

Signed: March 6, 2008

_____

Dennis L. Howell
United States Magistrate Judge



